

WEST AREA PLANNING COMMITTEE

24th June 2014

Application Number: 14/00651/FUL

Decision Due by: 2nd May 2014

Proposal: Conversion of existing building to form 6 x 1 bedroom flats (Use Class C3).

Site Address: 46 Hythe Bridge Street **Appendix 1**

Ward: Jericho And Osney Ward

Agent: Neil Warner

Applicant: RHHS Repository Ltd

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 The flats proposed fail to provide an acceptable internal living environment in that they do not meet the Lifetime Homes standard and no evidence has been adduced to justify a departure from that standard. The scheme therefore fails to meet the requirements of Policy HP2 of the adopted Sites and Housing Plan 2011-2026.
- 2 The scheme fails to provide flats 2 and 3 with adequate daylight, outlook and privacy due to their orientation, position within the block, and the proximity of cycle parking. The scheme therefore fails to meet the requirements of Policies HP12 and HP14 of the adopted Sites and Housing Plan 2011-2026.
- 3 The location and design of the bin store will detract from the external appearance of the building, the street scene and the conservation area. Moreover it will not provide safe, discrete or convenient refuse storage for residents of the development and will interfere with the functioning of the local area. The proposal therefore fails to comply with Policy HP13 of the adopted Sites and Housing Plan 2011-2026.
- 4 By failing to provide an Energy Statement with the application, the proposal fails to demonstrate how the scheme will assist in moving towards a low carbon future. The scheme therefore fails to meet the requirements of Policy CS9 of the adopted Core Strategy 2026, and Policy HP11 of the adopted Sites and Housing Plan 2011-2026.
- 5 A contribution towards affordable housing elsewhere in Oxford is not proposed as part of the application, nor has a financial viability study been

submitted to demonstrate why this policy should be set aside in this case contrary to Policy CS24 of the adopted Core Strategy 2026 or Policy HP4 of the adopted Sites and Housing Plan 2011-2026.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- TR13** - Controlled Parking Zones
- HE7** - Conservation Areas

Core Strategy

- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS18_** - Urban design, town character, historic environment
- CS22_** - Level of housing growth
- CS23_** - Mix of housing
- CS24_** - Affordable housing
- HP14_** - Privacy and Daylight

Sites and Housing Plan

- HP2_** - Accessible and Adaptable Homes
- HP4_** - Affordable Homes from Small Housing Sites
- HP9_** - Design, Character and Context
- HP11_** - Low Carbon Homes
- HP12_** - Indoor Space
- HP13_** - Outdoor Space
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

Other Material Considerations:

National Planning Policy Framework
This application is in or affecting the Central Conservation Area.

Relevant Site History:

00/00125/NFH - Retention of multiple-occupation: 11 study bedrooms with shared facilities (Amended plans). PERMITTED 3rd November 2003.

09/01931/FUL - Erection of 4 storey building to form 9 x 1 bedroom flats.. REFUSED 22nd October 2009.

09/01932/CAC - Application for conservation area consent for demolition of the existing buildings.. REFUSED 22nd October 2009.

10/01783/FUL - Conversion and extension of existing building (involving demolition of extension and outbuilding) to provide 7 x 1-bedroom flats, cycle parking, bin store and amenity space to serve 2-bedroom flat (amended plan).. PERMITTED 17th November 2010.

10/01784/CAC - Demolition of outbuilding.. PERMITTED 17th November 2010.

12/03214/FUL - Change of use from HMO (Sui Generis) to use for purposes falling within Use Class C1 or as a hostel (Sui Generis).. PERMITTED 12th February 2013.

13/00606/CAC - Demolition of outbuilding.. PERMITTED 3rd May 2013.

13/01835/CPU - Application to certify whether planning permission 10/01783/FUL has been lawfully implemented.. PERMITTED 6th September 2013.

Representations Received:

43 Hythe Bridge Street - Effect on existing community facilities, traffic and on-street parking. Insufficient parking spaces available on this street and this scheme will add to that pressure.

Statutory Consultees:

Highways Authority – no objection subject to exclusion from the CPZ

Issues:

Principle
Balance of dwellings
Internal and external residential amenities
Design
Impact on neighbouring properties
Flooding
Highways
Affordable Housing and the fallback position

Officers Assessment:

Site Location and Description

1. The application site is located at the junction of Hythe Bridge Street and Upper Fisher Row on the north-west side of the bridge near the termination of the Oxford Canal where a weir drains to the Castle Mill Stream. The principal building currently occupying the application site is a three storey, red brick building which has stone detailing and a slate roof. It marks the end of a terrace of four, virtually identical town houses. The building is partly boarded

up but has, until recently, been used as an HMO providing 11 bed sitting rooms. There is also a coach house building that is considerably smaller and fronts onto Upper Fisher Row.

2. The site lies within the Central City and University Conservation Area but is outside the boundary of the West End Area Action Plan.

Proposal

3. RHHS Repository Ltd has applied to convert 46 Hythe Bridge Street into 6 self-contained 1-bed flats.
4. Secure but not covered cycle parking for 6 cycles is proposed within the building courtyard. Communal waste disposal units are provided in a store located within the outer wall of the building, with doors facing out and opening out onto the pavement fronting Fisher Row. No on-site parking is proposed.

Principle of the Development

5. The National Planning Policy Framework (NPPF) aims to boost the supply of market and affordable housing, encourages the re-use of previously developed land for development. It specifically points to the need to bring into residential use appropriate empty housing and buildings.
6. Policies CS2 and CS22 of the adopted Oxford Core Strategy 2026, conform to NPPF guidance in recognising the high level of need for market and affordable housing in Oxford and the role of previously developed land in meeting those needs. The conversion of this building into self-contained residential units accords with those policies and is acceptable in principle.

Balance of Dwellings

7. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected range of future household needs. The Balance of Dwellings Supplementary Planning Document (BODS) sets out the appropriate housing mix for each Neighbourhood Area within the City. The application site is located within the City Centre wherein higher densities are acceptable and there is no prescribed mix for schemes of 1 - 9 dwellings. The scheme therefore meets the requirements of BODS.

Internal Residential Amenity

8. The NPPF requires that local authorities seek a good standard of amenity for all existing and future occupants of land and buildings.
9. The SHP contains a number of policies to achieve this. Policy HP2 of the SHP requires that all new dwellings meet the Lifetime Homes standard and, on sites of 4 or more dwellings, that at least 5% are either fully wheelchair-accessible or easily adaptable for wheelchair use (in this case 1 dwelling

would be expected to be wheelchair adaptable). Policy HP12 of the SHP requires that any new dwelling should provide adequate internal living space (more than 39m² for 1-bed flats) and good quality internal living conditions.

10. None of the units appear to meet the Lifetime Homes standard, and none is specified as being wheel chair accessible or easily adaptable. Whilst the supporting text to Policy HP2 recognises the need to take into account genuine practical considerations, no information has been supplied in the application to justify why the requirement is not met.
11. 5 of the 6 flats exceed 39m² in floor area, and Flat 4 extends to 39m². In terms of floor area therefore the scheme meets policy requirements.
12. In terms of acceptable internal residential amenity however, Flat 3 falls short of the standard expected in the SHP even though it extends to 47m². The main living area is at ground floor lit only by 5 small high level windows facing north into the small courtyard. These windows have very limited outlook, if any at all. Communal cycle parking for all the flats is proposed hard up against that wall significantly reducing the amenity of the windows and the privacy of the flat. The kitchen and bathroom to this flat are at lower ground floor level with no natural light or ventilation available to them because they are surrounded and enclosed by the upper storeys. The window to the living/kitchen area to Flat 2 also faces into the courtyard and the cycle parking is located hard up against the window thereby destroying its outlook and privacy. Flats 1, 4, 5 and 6 appear to provide accommodation with a reasonable degree of natural light and internal residential amenity.
13. The application is therefore recommended for refusal in part on the basis of shortcomings in the internal residential amenities of the dwellings: the lack of justification for non-compliance with the Lifetime Homes Standard contrary to Policy HP2 of the SHP; and the unacceptable level of internal residential amenity of Flats 2 and 3 contrary to Policy HP12 of the SHP.

External Residential Amenities

14. Policy HP13 of the SHP requires that all new dwellings have direct and convenient access to an area of private open space of acceptable amenity. Covered, secure cycle (Policy HP15) and bin stores are required in addition to a private garden area.
15. The scheme provides no private external amenity space. The only communal open space would be the courtyard area which is largely taken up by cycle parking.
16. The site lies within the city centre with easy access to all of its facilities. The proposed flats are one bedroom units which would not be suitable for families with children. Given the constraints of the site therefore, and the desire to renovate the building and improve its appearance in the street, officers consider that the provision of small flats without private amenity space at a city centre site can be accepted in this case.

Design and Appearance

17. The NPPF requires that local authorities seek high quality design in all new developments. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan together with Policy CS18 of the Core Strategy and Policy HP9 of the Sites and Housing Plan require that development proposals incorporate high standards of design and respect local character. Policy HP13 of the adopted Sites and Housing Plan requires the provision of safe, discrete and conveniently accessible storage for refuse and recycling.
18. The development involves minimal interference with the existing building fabric and in general terms does not harm the character or quality of the area.
19. The incorporation of bin stores to the north-east wall however requires the creation of a new 3.5m wide opening in that wall and the incorporation of doors opening onto the street over the footway. Such doors would be unacceptable to the local highway authority which has requested roller shutters instead. The location and functioning of this bin store (needing access from the street) and the use of roller shutters would however be harmful to the external appearance of the building and detract from the character of the street scene and conservation area. The store would detract from the way the area functions and would not be safe, discrete and conveniently accessible for residents. Whilst there may be other arrangements possible in a revised proposal, as currently submitted the application fails to comply with Policy CS18 of the adopted Core Strategy 2026 and Policies HP9 and HP13 of the adopted Sites and Housing Plan 2011-2026.

Impact on adjacent properties

20. Policy HP14 seeks to preserve the residential amenities of properties adjoining new development. Given that the proposal is for conversion only of the existing building, and no windows are proposed which would affect neighbours, there will be no change to the impact on adjacent properties.

Flooding

21. Policy CS11 of the adopted Core Strategy states that planning permission will not normally be given for development within the functional flood zone.
22. The site lies within a functional flood zone and so a Flood Risk Assessment dated 5th March 2014 has been submitted with the application. This concludes that:
 - a. the floodwater flow and flood storage capability of the area will be improved by the removal of a solid wall and gate and installation of a new metal gate and fencing along the lower east side of the site;
 - b. the removal from the site of an existing half-basement level residential unit means that the number of people at risk from flooding is reduced;

- c. in time of extreme flood it will be possible to install a raised walkway to nearby higher ground in Upper Fisher Row;
 - d. each of the ground floor flats has first floor bedrooms which can act as a refuge in times of serious flood; and,
 - e. sustainable drainage techniques are proposed which will improve infiltration and attenuation and lessen runoff from the site.
23. The scheme therefore provides some mitigation against the effects of flooding and goes some way to improving general conditions. As such there are no grounds to oppose the development on grounds of flood risk.

Highway Matters

24. Although a neighbour has objected to this scheme on the grounds of lack of parking and traffic impact, the Local Highway Authority has raised no objection subject to the exclusion of the dwellings from eligibility for residential and visitor parking permits. This approach is supported.
25. Given that the scheme is a change from housing in multiple occupation to self-contained flats; its very central location; and that this is an historic building which it is desirable to retain, the reduced level of cycle parking is also considered to be acceptable (6 are proposed where 12 would be required under Policy HP15 of the Sites and Housing Plan).

Sustainability

26. The NPPF gives a definition of sustainable development part of which is the environmental role which development plays in using natural resources prudently, minimising waste and pollution, adapting to climate change and moving to a low carbon economy. A core planning principle of the NPPF is to support the transition to a low carbon future. The Council's Core Strategy Policy CS9, Sites and Housing Plan Policy HP11, and Local Plan Policies CP17 and CP18 reflect the requirements of the NPPF in this regard. Specifically, Policy HP 11 of the Sites and Housing Plan requires that an energy statement is submitted to accompany each planning application.
27. The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal would constitute a sustainable form of development that would make more efficient use of an existing residential site. Re-use of an existing building is inherently a sustainable approach.
28. Nevertheless an energy statement has not been submitted, and no justification provided for not doing so. The absence of wither must therefore represent justification to withhold planning permission.

Affordable Housing and the Fallback Position

29. Policy CS24 of the Core Strategy and Policy HP4 of the Sites and Housing Plan (SHP) recognise that the provision of affordable homes is a key priority

for the Council and set out the particular requirements for contributions to affordable housing in relation to development proposals. Policy HP4 stipulates that development sites with a capacity for 4 to 9 dwellings must provide a financial contribution towards delivering affordable housing elsewhere in Oxford based on 15% of the total sale value of the development, unless it can be demonstrated robustly that such a contribution would make the development unviable.

30. An affordable housing contribution is not offered as part of this application nor is a viability appraisal submitted to justify why such an offer is not made. The applicant instead refers back to the still 'live' 2010 approval for 7 units on this site in connection with which an affordable housing contribution was not sought. The applicant asserts that the current proposal is preferable in terms of residential amenity, impact on neighbours, and lesser interference with the historic fabric of the building. It is argued that in these circumstances, and given that it is desirable to retain this building for its contribution to the historic character of the area, it would not be reasonable for the Council to require an affordable housing contribution in relation to the current scheme.
31. The current application has to be determined in line with current adopted policy however, and an affordable housing contribution in line with Policy HP4 is therefore required. The reasons for rejecting the applicants' arguments that such a requirement would be unreasonable in relation to the 'fall-back' scheme are as follows.
32. The SHP (adopted February 2013) and Policy HP4 were not in existence at the time of the previous approval in 2010: their requirements as to affordable housing contributions and the higher standards of internal and external residential amenity now sought were not part of the consideration and determination of the extant scheme.
33. The only improvement to residential amenity in the current scheme over the approved scheme is in terms of the floor space of the units. The extant scheme proposed 1 large unit and 6 small units: too small if judged against the now adopted SHP but acceptable in terms of policy current at the time. The units in the extant scheme were however all adequately lit by windows fronting onto Hythe Bridge Street and Upper Fisher Row unlike the current proposal which has serious shortcomings in terms of light, outlook and privacy to the windows to flats 2 and 3. In the view of officers therefore there is insufficient overall improvement to the quality of the development in terms of residential amenity when compared to the fall-back scheme to justify setting aside Policy HP4. Indeed the current application has shortcomings in terms of residential amenity which form part of the recommended reasons for refusal.
34. The current application is neutral in its neighbour impacts when compared to the previous one which demolished some existing built elements and built further away from neighbouring properties therefore improving the open aspect and amenity of their small north facing rear gardens. In contrast the current proposal retains all the existing buildings and the impacts on neighbours are unchanged.

35. It is a positive consideration that the current application requires less interference with the existing historic fabric (but the location and functioning of the bin store is unacceptable). If in requiring less interference with the historic fabric however a scheme is created of lesser residential amenity and with no improvement to neighbour impact, then that consideration too is insufficient to justify setting aside HP4. The fall-back scheme was judged to be acceptable in terms of its impact on the historic fabric.
36. A viability appraisal has not been submitted to justify why an affordable housing contribution is not being offered.
37. Refusal of this scheme judged against current adopted policy will not frustrate the retention and economic use of this building as there is an extant permission which has 'started' and can continue to be implemented. No evidence has been submitted to demonstrate that it cannot be implemented.
38. In conclusion, the current application is not regarded as either acceptable or sufficiently superior to the extant 'fall-back' scheme to justify setting aside Policy HP4 of the SHP; and the application is therefore recommended for refusal in part on the basis of the lack of an affordable housing contribution contrary to Policy HP4 of the SHP.

Conclusion

39. The application site has remained unoccupied and boarded up for several years despite the presence of an extant planning permission. Officers would wish to see the property brought back into active residential use, but find that they cannot support these latest proposals which display a poor standard of accommodation and fail to meet policy requirements or justify a departure from them. Officers therefore feel constrained to recommend refusal of planning permission.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 14/00651/FUL

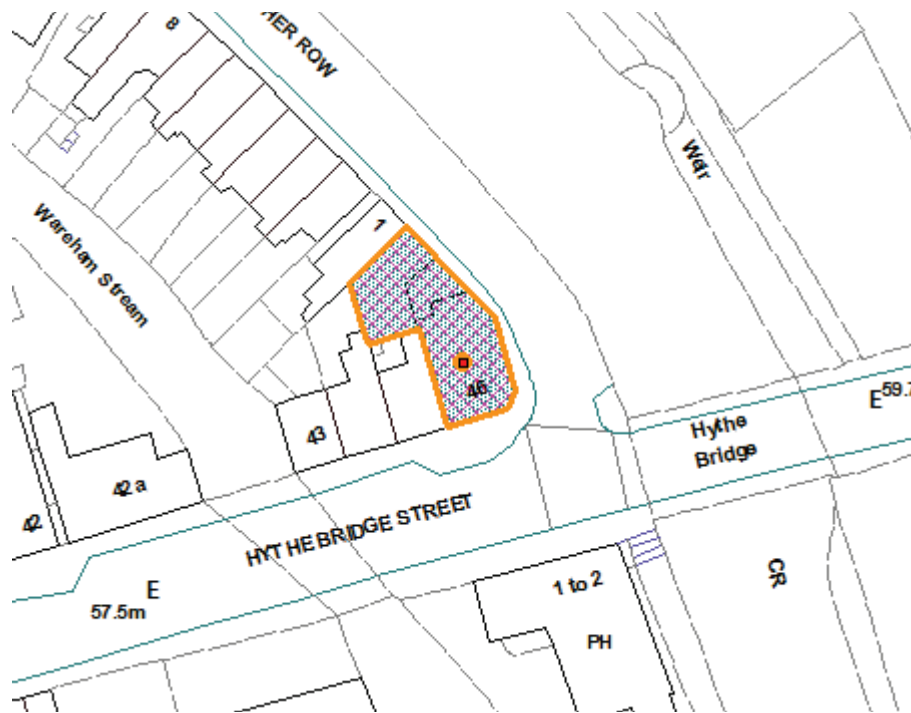
Contact Officer: Fiona Bartholomew

Extension: 2774

Date: 10th June 2014

Appendix 1

14/00651/FUL - 46 Hythe Bridge Street



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